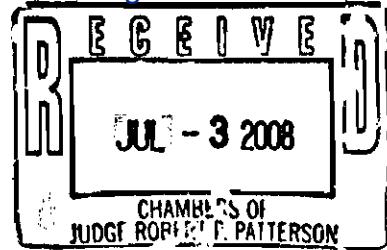


# Schulte Roth&Zabel LLP

919 Third Avenue  
New York, NY 10022  
212.756.2000  
212.593.5955 fax  
[www.srz.com](http://www.srz.com)



Writer's Direct Number  
212.756.2506

Writer's E-mail Address  
[max.garfield@srz.com](mailto:max.garfield@srz.com)

# MEMO ENDORSED

July 3, 2008

## VIA FACSIMILE

The Honorable Robert P. Patterson, Jr.  
United States District Judge  
United States District Court  
Southern District of New York  
500 Pearl Street, Room 2550  
New York, New York 10007-1312

USDC SDNY  
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DATE FILED: 7/3/08

Re: *Retirement Plan of the UNITE HERE National Retirement Fund, et al. v. Village Resorts, et al.*, 08-cv-4249 (S.D.N.Y.) (RPP)

Dear Judge Patterson:

Schulte Roth & Zabel LLP represents the plaintiffs, the Retirement Plan of the UNITE HERE National Retirement Fund (the "Fund") and the trustees of the Fund (together, "Plaintiffs") in the referenced matter. We write as a follow-up to your Honor's Endorsed Letter dated July 2, 2008 in which your Honor informed Plaintiffs that in lieu of appearance for the Case Management Conference on Monday July 7, 2008, Plaintiffs could file a certificate of default on or before that same date.

We write to respectfully request that your Honor permit Plaintiffs to file a certificate of default on or before July 14, 2008. Plaintiffs are actively preparing the certificate of default and seek one additional week in order to have sufficient time to prepare our statement of damages. In the event your Honor would like counsel to appear on July 7, 2008 at the previously-scheduled Case Management Conference in light of this request, we will do so.

Respectfully submitted,

Max Garfield

## MEMO ENDORSEMENT READS:

*Application granted. No appearance on July 7, 2008 is required.  
So ordered.*

*Robert P. Patterson, Jr., U.S.D.J., 7/3/08*

*Application granted.  
No appearance on  
July 7, 2008 is  
required.  
So ordered  
Robert P. Patterson  
08-04*